

Melissa A. Fortunato (SBN 319767)
Marion C. Passmore (SBN 228474)
BRAGAR EAGEL & SQUIRE, P.C.
580 California Street, Suite 1200
San Francisco, California 94104
Telephone: (415) 568-2124
Facsimile: (212) 214-0506
Email: fortunato@bespc.com
Email: passmore@bespc.com

*Attorneys for Lead Plaintiff Kwok Kong
and the Proposed Class*

[Additional Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

KWOK KONG, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

FLUIDIGM CORPORATION, STEPHEN
CHRISTOPHER LINTHWAITE, and
VIKRAM JOG,

Defendants.

Case No. 4:20-cv-06617-PJH

CLASS ACTION

**LEAD PLAINTIFF'S NOTICE OF APPEAL
AND NINTH CIRCUIT RULE 3-2
REPRESENTATION STATEMENT**

1 NOTICE IS HEREBY GIVEN that Lead Plaintiff Kwok Kong, by and through his attorneys,
2 on behalf of himself and all others similarly situated, hereby appeals to the United States Court of
3 Appeals for the Ninth Circuit from the Order Granting Defendants' Motion to Dismiss, entered
4 February 14, 2022 (ECF No. 60) and the Judgment entered on February 14, 2022 (ECF No. 61).

5
6 DATED: March 15, 2022

Respectfully submitted,

7 **BRAGAR EAGEL & SQUIRE, P.C.**

8 /s/ Melissa A. Fortunato

Melissa A. Fortunato (SBN 319767)

9 Marion C. Passmore (SBN 228474)

10 580 California Street, Suite 1200

San Francisco, California 94104

Telephone: (415) 568-2124

11 Facsimile: (212) 214-0506

Email: fortunato@bespc.com

12 Email: passmore@bespc.com

13 - and -

14 Lawrence P. Eagel (admitted *pro hac vice*)

810 Seventh Avenue, Suite 620

15 New York, New York 10019

Telephone: (212) 308-5888

16 Facsimile: (212) 486-0462

Email: eagel@bespc.com

17 *Counsel for Lead Plaintiff Kwok Kong*
18 *and the Proposed Class*
19
20
21
22
23
24
25
26
27
28

RULE 3-2 REPRESENTATION STATEMENT

1. Lead Plaintiff-Appellant Kwok Kong, Individually and on Behalf of All Others
Similarly Situated, are represented by the following counsel:

Bragar Egel & Squire, P.C.

Melissa A. Fortunato (Bar No. 319767)

Marion C. Passmore (Bar No. 228474)

580 California Street, Suite 1200

San Francisco, California 94104

Telephone: (415) 568-2124

Facsimile: (212) 214-0506

Email: fortunato@bespc.com

Email: passmore@bespc.com

Bragar Egel & Squire, P.C.

Lawrence P. Egel (admitted *pro hac vice*)

810 Seventh Avenue, Suite 620

New York, New York 10019

Telephone: (212) 308-5888

Facsimile: (212) 486-0462

Email: egel@bespc.com

2. Defendants-Appellees Fluidigm Corporation, Stephen Christopher Linthwaite, and
Vikram Jog are represented by the following counsel:

Wilson Sonsini Goodrich & Rosati

Ignacio E. Salceda (Bar No. 164017)

Diane M. Walters (Bar No. 148136)

650 Page Mill Road

Palo Alto, California 94304-1050

Telephone: (650) 493-9300

Facsimile: (650) 493-6811

Email: isalceda@wsgr.com

Email: dwalters@wsgr.com

DATED: March 15, 2022

Respectfully submitted,

BRAGAR EAGEL & SQUIRE, P.C.

/s/ Melissa A. Fortunato

Melissa A. Fortunato (SBN 319767)

Marion C. Passmore (SBN 228474)

1 580 California Street, Suite 1200
2 San Francisco, California 94104
3 Telephone: (415) 568-2124
4 Facsimile: (212) 214-0506
5 Email: fortunato@bespc.com
6 Email: passmore@bespc.com

7 - and -

8 Lawrence P. Eagel (admitted *pro hac vice*)
9 810 Seventh Avenue, Suite 620
10 New York, New York 10019
11 Telephone: (212) 308-5888
12 Facsimile: (212) 486-0462
13 Email: eagel@bespc.com

14 *Counsel for Lead Plaintiff Kwok Kong*
15 *and the Proposed Class*
16
17
18
19
20
21
22
23
24
25
26
27
28